

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

ORGANIC SEED GROWERS AND)	
TRADE ASSOCIATION, et al.,)	
Plaintiffs,)	
v.)	Case No. 1:11-cv-2163-NRB-RLE
MONSANTO COMPANY AND)	Jury Demanded
MONSANTO TECHNOLOGY LLC,)	
Defendants.)	ECF Case
)	

**RESPONSE OF MONSANTO COMPANY AND MONSANTO TECHNOLOGY LLC TO
MOTION FOR LEAVE TO FILE *AMICUS CURIAE* BRIEF**

Defendants Monsanto Company and Monsanto Technology LLC respectfully submit this Response to the Motion for Leave to File an *Amicus Curiae* Brief, filed on August 10, 2011, by proposed *Amici Curiae* Farm and Ranch Freedom Alliance, Biodynamic Farming and Gardening Association, Carolina Farm Stewardship Association, Ecological Farmers of Ontario, Fair Food Matters, International Organic Inspectors Association, Michigan Land Trustees, Natural Environment Ecological Management, Nebraska Sustainable Agriculture Association, Organic Council of Ontario, Slow Food USA, and Virginia Independent Consumers and Farmers Association.

The proposed *Amici Curiae*'s brief purports to present evidence regarding the general use of transgenic crops in American agriculture today, but the brief provides no evidence or allegations relevant to the sole issue under consideration here: whether there exists a real, substantial, and immediate dispute between Monsanto *and the particular named Plaintiffs* regarding potential patent-infringement liability. As Monsanto has shown in its motion to

dismiss, and will further demonstrate in its Reply brief to be filed on August 26, 2011, no such dispute exists.

Notwithstanding the irrelevance of the proposed filing, Monsanto does not oppose proposed *Amici Curiae*'s Motion for Leave to File an *Amicus Curiae* Brief.

Dated: August 24, 2011

Respectfully submitted,

WILMER CUTLER PICKERING
HALE and DORR LLP

By: /s/ Seth P. Waxman

Seth P. Waxman (admitted *pro hac vice*)
Paul R.Q. Wolfson (admitted *pro hac vice*)
Todd C. Zubler (admitted *pro hac vice*)
Gregory H. Lantier (GL5778)
Carolyn J. Chachkin (admitted *pro hac vice*)
Rachel L. Weiner (RW0414)

1875 Pennsylvania Avenue, N.W.
Washington, D.C. 20006
Tel. (202) 663-6000
Fax (202) 663-6363

*Attorneys for Defendants Monsanto Company
and Monsanto Technology LLC*